HIGH COURT OF UTTARANCHAL AT NAINITAL

WRIT PETITION NO. 1395 (M/S) OF 2005

1. Mukesh Kumar

2. Suresh Kumar

Both sons of Sri Tai Narayan,

R/o Gurudwara Road, Sitarganj,

District Udham Singh Nagar .....Petitioners

Versus

Mohan Lal S/o Sri Khem Chand

R/o Ward No.8, Sitarganj,

District Udham Singh Nagar ....Respondent

Sri Bindesh Kumar Gupta, counsel for the petitioners
Sri T.S. Phartiyal holding brief of Sri Bhupender Singh counsel for the respondent.

Dated 11.7.2006

Hon'ble Rajesh Tandon, J.

Heard Sri Bindesh Kumar Gupta, learned counsel for the petitioner and Sri T.S. Phartiyal holding brief of Sri Bhupender Singh learned counsel for the respondents.

By the present writ petition the petitioners have prayed for a writ of certiorari quashing the order dated 16.9.2005 passed by Prescribed Authority.

Briefly stated, the application under section 21(1)(a) of U.P. Act No. 13 of 1972 was filed by the landlord-respondent. During the pendency of the case the amendment application was filed by the respondents the same was allowed. Petitioners have challenged the order by way of a writ petition. Liberty is given to the petitioners to raise the question when the matter is heard by the Prescribed Authority.

In view of the above, liberty is given to the petitioners to raise this question before the Prescribed Authority when the matter is taken up for hearing. Further liberty is given to both the parties to demonstrate before the Prescribed Authority regarding the respective requirement of the parties.

Subject to the above, writ petition is disposed of. No order as to costs.

11.7.2006 (Rajesh Tandon, J.)